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CLEARINGHOUSE RULE 00-184

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In the text of each SECTION of the rule, “PSC” and the full rule citation should be shown at the beginning. For example, in SECTION 1, “PSC 163.02” should precede “(2m).”
- b. In s. PSC 163.04 (2) (dn) 2. (intro.), “The” should replace “Such.”
- c. The term “as discussed in” in s. PSC 163.04 (2) (f) (intro.) should be replaced with “under.” Also, SECTION 42 should repeal and recreate s. PSC 163.04 (2) (f) since all of the current paragraph is stricken.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. The word “an” in s. PSC 163.02 (2m) should be replaced with the word “the.”
- b. It is suggested that the word “percent” in s. PSC 163.04 (2) (c) 1. d. be replaced by the phrase “the percentage of.”
- c. It is suggested that the word “actual” be deleted from s. PSC 163.04 (2) (c) 2. c. It is assumed that the data filed will be actual data.

d. The term “service quality components” in s. PSC 163.04 (2) (cd) 4. and 5. should be replaced with the term “quality of service components” because that is the term used in other provisions of ch. PSC 163.

e. The term “of components, standards or benchmarks” should be inserted after the word “combination” in s. PSC 163.04 (2) (cd) 5.

f. Section PSC 163.04 (2) (c) 2. b., as renumbered, would be more clear if “benchmarks” and “performance ranges” were described as separate concepts. A utility’s “benchmark” is its average three-year performance with respect to a particular quality of service component. A utility’s performance range is a number that is within 10% above and 10% below its benchmark for the quality of service component. Therefore, it is confusing to state that the company’s past performance is based upon its prior three years average performance and “shall consider” a performance range based on that average.

g. Section PSC 163.04 (2) (ct) would be more clear if it were drafted as an affirmative statement to the effect that: “if warranted by exceptional or unusual situations,” the commission may impose penalties that are lesser or greater than those provided in par. (cp). This comment is also applicable to s. PSC 163.04 (2) (dw). In addition, it is not clear how the commission would impose a “different” penalty under s. PSC 163.04 (2) (ct) than is provided in par. (cp). Section 196.196 (1) (c), Stats., requires the commission to create a penalty mechanism of up to a one percentage increase in the percentage offset. The commission should explain what is meant by a different penalty and how it is consistent with s. 196.196 (1) (c), Stats.